

AO 441 (Rev. 8/01) Third Party Summons in a Civil Action

# UNITED STATES DISTRICT COURT

District of

Delaware

PLAINTIFF

M. Diane Koken

V. DEFENDANT AND THIRD PARTY PLAINTIFF

GPC International, Inc.  
510 Broadhollow Road  
Melville, NY 11747

## THIRD PARTY SUMMONS IN A CIVIL ACTION

Case Number: 05 CV 223 (SLR)

V. THIRD PARTY DEFENDANT

Zurich-American Insurance Company  
P.O. Box ZZ  
Jamaica, NY 11430

To: Name and address of Third Party Defendant

Zurich-American Insurance Company  
c/o Delaware Insurance Commissioner (as agent for service of process pursuant to 18 Del. C. § 525)  
841 Silver Lake Blvd  
Dover DE 19904-2465

**YOU ARE HEREBY SUMMONED** and required to serve on

PLAINTIFF'S ATTORNEY (name and address)

Sheldon Kevin Rennie, Esquire  
Fox Rothschild LLP  
919 North Market Street, Suite 1300  
P.O. Box 2323  
Wilmington DE 19899-2323

DEFENDANT AND THIRD-PARTY PLAINTIFF'S ATTORNEY

(name and address)

John M. Seaman, Esquire  
Bouchard Margules & Friedlander  
222 Delaware Avenue, Suite 1400  
Wilmington DE 19801

an answer to the third-party complaint which is served on you with this summons, within 20 days after the service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default may be taken against you for the relief demanded in the third-party complaint. There is also served on you with this summons a copy of the complaint of the plaintiff. You have the option of answering or not answering the plaintiff's complaint, *unless* (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, *and* (2) the third-party plaintiff is demanding judgment against you in favor of the original plaintiff under the circumstances described in Rule 14(c) Federal Rules of Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of plaintiff as well as to the claim of the third-party plaintiff. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

**PETER T. DALLEO**

CLERK

*Monica Masley*  
(By) DEPUTY CLERK

DATE

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RECEIVED  
DATE INSURANCE  
DOVER, DE  
JUL 11 PM 3:45  
07/11/05

## RETURN OF SERVICE

Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE - July 11, 2005 3:41 p.m.
NAME OF SERVER Edward Jones	TITLE Process Server

Check one box below to indicate appropriate method of service

- ☒ Served personally upon the third-party defendant. Place where served: DELAWARE Insurance Companies  
841 Silver Lake Blvd Dover DE 19904 Service accepted by E. Riddick

- ☐ Left copies thereof at the third-party defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left: \_\_\_\_\_

- ☐ Returned unexecuted: \_\_\_\_\_

- ☐ Other (specify): \_\_\_\_\_

## STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
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## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on 7/11/05 Date Edward J. Jones I Signature of Server

31 Woodburn Sq Ste 101 Denver CO 80204  
Address of Server